

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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YNMACULADA GOMEZ,

Petitioner,

- against -

ORDER TO SHOW CAUSE

1:18-cv-07252-AMD-LB

SUPERINTENDENT LaMANNA

Respondent.

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DONNELLY, United States District Judge.

Upon the instant petition for issuance of a writ of *habeas corpus* pursuant to 28 U.S.C. § 2254, dated **December 28, 2018**, a copy of which is annexed hereto, it is hereby ORDERED that:

- (1) Petitioner is granted leave to proceed *in forma pauperis*;
- (2) The Attorney General of the State of New York or the District Attorney of Queens County, as attorney for Respondent, shall show cause before this Court, by the filing of a return to the petition, why a writ of *habeas corpus* should not be issued;
- (3) Within sixty (60) days of receipt of this Order to Show Cause, Respondent shall serve a copy of the return on Petitioner herein and file the original thereof with the Court, together with proof of service;
- (4) At the time of filing such return, Respondent shall electronically file the State Court Record, with no individual attachment to the entry exceeding 20 megabytes. The Respondent is also ordered to supply a hard copy of the ECF-filed version of the State Court Record to Chambers which must be clearly marked "Courtesy Copy" and contain the ECF header;
- (5) If copies of Petitioner's and/or the State's briefs are available – including briefs relating to any appeal or in connection with proceedings involving any other direct or collateral challenge to Petitioner's conviction, such as proceedings pursuant to New York Criminal Procedure Law § 440 or on a petition for a writ of error *coram nobis* – Respondent shall electronically file these records at the time of filing such return, with no individual attachment to the entry exceeding 20 megabytes. The Respondent is also ordered to supply a hard copy of Petitioner's

and/or the State's briefs to Chambers which must be clearly marked "Courtesy Copy, original filed via ECF" and indicate the docket number;

- (6) Petitioner, within twenty-one (21) days of receipt of a copy of the return, shall file his or her reply, if any, with the Court; and
- (7) Service of a copy of this Order to Show Cause shall be made by the Clerk of this Court by electronic mail, together with a copy of the petition, to the Attorney General of the State of New York, and the District Attorney of Queens County, and by mailing a copy of this order to Petitioner.
- (8) The parties are to comply in all respects with applicable Local Rules for this district and thus Court's Individual Practices and Rules, including but not limited to the Court's Individual Practice and Rules 1(D) and 4(C) regarding proper courtesy copy procedure and legal memoranda page limitations (*i.e.*, 25 pages for opening and opposition briefs, and 10 pages for reply briefs). The parties are reminded to ensure all legal memoranda include citations to the record.

SO ORDERED.

Dated: Brooklyn, New York  
January 10, 2019

s/AMD  
ANN M. DONNELLY  
United States District Judge